

POCKET NO. P04931 (NATH15-04931)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ohad Falik, et al.

Serial No.: 09/810,746

Filed: March 16, 2001

For: SHARING OF FUNCTIONS BETWEEN AN EMBEDDED
CONTROLLER AND A HOST PROCESSOR

Group No.: 2111

Examiner: Donna K. Mason

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MAIL STOP FEE AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed December 16, 2003, the Applicants provisionally elect the claims of Group I (Claims 1-6 and 50-60) WITH TRAVERSE.

The Office Action asserts that the claims in Groups I-IV are "related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable." (*Office Action, Page 3, Section 3*).

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02 FC:1202

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With this RESPONSE TO RESTRICTION REQUIREMENT, the Applicants have included a PRELIMINARY AMENDMENT adding Claim 69. Claim 69 represents a combination claim. Based on this, the pending claims now include combination and subcombination claims.

In order to establish that combination and subcombination claims are distinct, the Patent Office must show "two-way distinctness" to maintain a restriction requirement. (MPEP § 806.05(c)). The Applicants respectfully submit that the Patent Office has not established two-way distinctness between the combination and subcombination claims. As a result, the Applicants respectfully request withdrawal of the restriction requirement and examination of all pending claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,


DAVIS MUNCK, P.C.

Date: Jan. 16, 2004



William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: wmunck@davismunck.com

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PATENT

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PRELIMINARY AMENDMENT

Prior to examination on the merits, please amend the above-identified patent application as follows.